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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/730,656
Filing Date: December 08, 2003
Appellant(s): TSUI ET AL.

Scott D. Paul
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 7, 2008 appealing from the Office action mailed January 9, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,219,701	Hirata et al.	12-2004
2004/0172284	Sullivan et al.	9-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 4-11, 15, 19 and 22-25 rejected under 35 U.S.C. 102(b) as being anticipated by Hirata et al (US Patent No. 6,219,701).**

As to claims 1, 9, 11, 13 and 19, Hirata discloses a system and a method of providing a unified logging service, for use in a network having a plurality of nodes (Figure 1, elements 405, 404, 403, 406, 407 etc) capable of generating event logs (column 8, lines 1-9), wherein the unified logging service having a unified log server (Figure 3, element 401) and repository (Figure 3, element 103), comprising the steps of: converting an event log file of a first log type and structure associated with a sending node into a predefined format (Figure 5, step 610, i.e. converting event information wherein event information corresponds to event log, and predetermined format is considered a common format); transmitting the converted event log file over the network (Figure 5, transition between step 610 and 611) to the unified log server (Figure 3,

element 401 i.e. managing computer); receiving the converted event log file by the unified log server (Figure 5, step 611); determining the log type of the converted log file (column 6, lines 48-53, wherein expansion of the information requires determination of the type of the information/log) and routing the converted log file to a log handler (computers 402-407, wherein definition/event information relate to “own” computer therefore there are considered compatible) compatible with the log type and the predefined format; identifying a receiving node compatible with the log type for the converted event log file (column 6, lines 52-60, identifying type of event information/log, i.e. what does the event refer to (power, print or execution unit)), and forwarding the converted event log file from the log handler to the identified receiving node (column 6, lines 55-60 (i.e. power supply control unit, print execution control unit or job execution control unit)).

As to claims 4, 10, 15 and 22, Hirata discloses a system and a method further comprising the step of: storing the converted log file in the repository (Figure 5, step 611).

As to claims 5 and 23, Hirata discloses a system and a method wherein the predefined format comprises a unified logging format including a header and a body (Figure 9A, wherein the header is represented by the headers of the table, and the body is represented by the content of this table i.e. messages etc).

As to claims 6 and 24, Hirata discloses a system and a method wherein the header contains information comprising: a server identifier (Figure 10A, element 1011);

a log system identifier (Figure 10A, element 1010); a log type identifier (Figure 10A, element 1013); and a log create timestamp (Figure 10A, element 1012).

As to claim 7 and 25, Hirata discloses a system and a method wherein the body contains transaction information as defined by the unified logging service (Figure 10A, information under the header portion), comprising: a message portion (Figure 10A, information under the header portion), wherein the message portion is further defined by fields specific to the log type (Figure 10A, data under “event/log sort” header); and a time stamp portion (Figure 10A, data under “time stamp” header).

As to claim 8, Hirata discloses a computer readable storage medium tangibly embodying programmed instructions for performing the method of any of claims 1 to 7 (Figure 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2, 3, 12, 14, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata et al (US Patent No. 6,219,701) in the view of Sullivan et al (US Publication 2004/0172284).**

As to claims 2, 12, and 20, Hirata teaches all the limitations disclosed in claim 1, 11 and 19 respectively, however he does not teach acknowledging receipt of the converted event log file by the identified receiving node to the sending node. Sullivan teaches information management system allowing logging in to access data stored in a database in response to a receipt of an authorized user identification and password. It would have been obvious to one of the ordinary skill in the art during the time the invention was made to use confirmation receipt after certain task is completed as taught by Sullivan, in Hirata's logging process, because using receipt upon completion of a task is well known in the art, moreover it also allows a network administrator to easily monitor the condition of a logging service, so if there are any potential complications with a network, the administrator can recognize it much sooner.

As to claims 3, 14 and 21, Hirata teaches converting log information to a common format before submitting it to the managing computer, therefore it would have been obvious to one of the ordinary skill in the art during the time the invention was made to also convert the notification about the conversion of the log file into a common format (as taught by Sullivan), so that all the information i.e. event log and the notification would be in the same format. This in fact would allow a network administrator to easily read the logging information (instead of multiple formats, there would just one common one) and efficiently solve potential errors.

(10) Response to Argument

I (Issue): did the Examiner err by concluding that claims 1, 4-11, 13, 15,19 and 22-25 are anticipated by Hirata et al (6,182,121), hereafter referred to as Hirata.

- *In the first argument, the Appellant asserts “ As described throughout Hirata (e.g. column 4,lines 49-51 and 64-67; column 7, lines 21-24), operation definition information is information used to define schedules of administrate operations by computer 402 to 407 (see also column 6, lines 53-60). As readily apparent, the operation definition information is entirely different that the log information that is sent from the computers 402 to 407 to the managing computer 401. Although the Examiner appears to be asserting that the determination of “what does the event refer to (power, print or execution unit): teaches the claimed identifying the type, these are complete different. The type being identified, as claimed, is of the log. On the contrary, the Examiner’s analysis refers to types of control units. Thus the passage cited by the Examiner does not identically disclose the claimed “determining the log type of the converted log file.” Appellants also note that the Examiner’s assertion that “expansion of the information requires determination of the type of the information/log” is factually unsupported. The passages cited by the Examiner is silent not only as to the log type of the converted log file, these passages are silent as to the converted log file itself”. (pages 6 and 7)*

The Examiner disagrees with the Appellant's assertion. The Appellant alleges that information definition is entirely different from the log information, but that is not what Harita teaches. In column 10, lines 43-50, Harita clearly discloses that definition information defines log and event information, thus those two pieces of information are directly related. The Examiner agrees that in addition to this descriptive information, definition data also contains schedule details, however those two types of datum can coexist without any interference, on contrary they supplement each other. Furthermore, with respect to the Appellant's assertion regarding "determining the log type of the converted log file", the Examiner would like to note that the "control units" such as job execution, power supply and print execution (as shown in Figure 2, elements 110-112), in itself correspond to the type of log file, because for instance an event occurring in print section can not be handled by power supply and vice versa, therefore it is critical to determine which control unit is responsible for handling existing tasks and resolution of occurring errors. Moreover, the examples of the logs pertaining to particular control units are illustrated in Figures 7A and 7B. Consequently, in order for managing computer to forward the definition information invoking action pertaining to the particular control units, the determination of type of log file has to be made, otherwise requests for performing particular recovery actions (i.e. described in definition information) would be bouncing between control units which might

not be capable of resolving the issue. Hence, the Examiner maintains that Harita indeed teaches *"determining the log type of the converted log file"*.

- *In the second argument, the Appellant alleges that "the computers 402-407 of Hirata are not log handlers, as claimed". (pages 7 and 9, second paragraph)*

The Examiner disagrees with the Appellant's assertion. First of all, the Examiner would like to note that the "log handler" is not defined neither in the claim nor the original specification, therefore the Examiner accorded this phrase the broadest reasonable interpretation to determine its meaning. In particular, log handler has been considered a hardware which receives logging information and since the definition information defines the log/event information, it qualifies as converted log information. Consequently, computers 402-407 are considered log handlers.

- *In the third argument, the Appellant asserts "why would the "same" computer have to determine the log type of the converted log file when the "same" computer (e.g. 402) "as the entity that created the converted log file in the first place? Moreover, why would the converted log file first be sent from the same computer to the managing computer 401 when the converted log file would then be routed back to the same computer? If the Examiner's interpretation is to be followed, the steps of converting the event log, sending the event log to the unified log server, determining type of the converted log file and routing the converted log file back to original*

computer would be unnecessary. Therefore, Appellants' position is that one having ordinary skill in the art would not have recognized that Hirata teaches the above-identified claim limitations" (page 8)

In response to these series of questions, the Examiner would like to point the column 13, lines 24-47. In that passage Harita teaches that "both the log information and the event information of the administrative operations executed by the computers 402 to 407 can be managed by the managing computer 401, resulting in the better results". Furthermore, since the main task of managing computer as its name says is to manage the computers on the network and not to physically solve the problems occurring in those computers. The actual error resolution still has to be propagated to those computers in the scheduled manner (i.e. definition information) as to effectively and efficiently solve the existing problems. Consequently, the purpose as well the advantages of communicating log information from the computers to the managing unit and then sending those information back in form of definition information should be self evident from this teaching.

- *In the fourth paragraph, the Appellant alleges that "Examiner's cited passage of column 6, lines 55-60 is entirely silent as to the converted log file. As to the claimed "receiving node" the Examiner has also failed to establish a claim construction for this phrase... Appellants note that the claim limitations at issue describe forwarding the converted event log file from the log handler to the identified receiving node. The identical*

disclosure of these limitations, however, has not been established by the Examiner's analysis".(page 9)

First of all the Examiner would like to note that the passage of column 6, lines 55-60 is silent as to converted log file because it was cited in the rejection with respect to the receiving nodes (i.e. corresponding control units) and not converted log file. In other words once the computer (log handler) receives definition information, from a managing computer, representing log information as well as schedule of when certain tasks should be performed based on the data about the event noted in the log file, the information is then propagated to the compatible node (i.e. particular type of control unit). As to the converted log file, the definition information represents such a file, because it defines log/event information and schedule data. Consequently, the Examiner maintains that Harita teaches "forwarding the converted event log file from the log handler (computer (402-407)) to the identified receiving node (particular control unit).

II (Issue): did the Examiner err in concluding that claims 2, 3, 12, 14 and 20-21 are obvious over Hirata in view of Sullivan et al (US Publication No. 2004/0172284), hereafter referred to as Sullivan.

No additional argument have been presented. The Appellant solely relied that those claims should be allowable by the virtue of their dependency on the claims discussed in Issue I.

(11) Related Proceeding(s) Appendix

Art Unit: 2164

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Angela M Lie/

Examiner, Art Unit 2163

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